
UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

UNITED STATES OF AMERICA

§

versus

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CRIMINAL ACTION NO. 1:16-CR-26

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§

CHRISTOPHER EMORY CRAMER and

§

RICKY ALLEN FACKRELL

§

SCHEDULING ORDER

The court enters this case specific scheduling order which controls disposition of this action pending further court order. Although the provisions set forth herein are mandatory and binding upon all parties, nothing in this order limits the court's discretion to enhance, supplement, amend, or eliminate any provision in the interest of justice. The parties are advised that the court intends to adhere strictly to the following scheduling deadlines:

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| July 15, 2016 | <u>Brady disclosure deadline.</u> Deadline for the Government to make disclosures required by <i>Brady v. Maryland</i> , 373 U.S. 83 (1963) (evidence which might tend to exculpate a defendant, mitigate punishment, or impeach testimony which may be determinative of a defendant's guilt or innocence). Any exculpatory evidence coming into the possession of the Government after this deadline shall be immediately provided to Defendants. |
| July 15, 2016 | <u>The Government's discovery deadline.</u> Deadline for the Government to comply with all discovery and inspection obligations required by Rule 16(a) of the Federal Rules of Criminal Procedure. |
| November 4, 2016
10:00 a.m. | <u>Hearing.</u> The court will testimony from the jury administrator regarding the creation of the master jury wheel and allow counsel to question her so as to make any record regarding the Eastern District Jury Plan they deem appropriate. |
| January 3, 2017 | <u>Expert witnesses.</u> Deadline to disclose identity of expert witnesses, a summary of their qualifications, and any reports of physical, scientific or mental examinations or experiments made by experts in connection with this case that the parties intend to introduce as evidence, including a |

written summary of any testimony of said expert witnesses as required by Rule 16.

January 17, 2017 Motion to sever Defendants. Deadline to file electronically a motion to sever Defendants. The motion and briefing in support thereof should be filed as one document.

January 30, 2017 Response to motion to sever Defendants. Deadline to file electronically a response to the motion to sever. The response and briefing in support thereof should be filed as one document.

February 8, 2017 Mental health evidence. Defendants shall give written notice to the Government if they intend to introduce expert evidence or testimony regarding their mental health at any phase of the trial. *See* FED. R. CRIM. P. 12.2. The notice should be sufficiently explicit to allow the Government to find potential mental health expert witnesses in the same field.

March 17, 2017 Plea agreement. Deadline to notify the court of any plea agreement. No plea agreement entered into after the deadline shall be recognized by the court absent good cause shown.

April 3, 2017 Proposed juror questionnaire. Deadline to file electronically the joint proposed juror questionnaire. The parties shall endeavor to reach an agreement on the form and substance of the questions included. Those portions of the questionnaire that remain in dispute should be identified in boldface type.

April 28, 2017 Hearing regarding proposed juror questionnaire, if necessary.
10:00 a.m.

May 1, 2017 Defendants' discovery deadline. Deadline for Defendants to comply with all discovery and inspection obligations required by Rule 16(b) of the Federal Rules of Criminal Procedure.

May 1, 2017 Guilt/Innocence pre-trial motions. Deadline to file electronically all guilt/innocence pre-trial motions. Motions and briefing in support thereof should be filed as one document.

May 1, 2017 Objections to expert witnesses. Deadline to file any objections or challenges to expert witness testimony pursuant to *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993).

- May 8, 2017 Juror qualification questionnaire review deadline. Deadline for counsel to review the juror qualification questionnaires of those persons presumptively inappropriate for inclusion in the master jury wheel because they are disqualified, exempt, or have an excuse. Counsel will need to make arrangements to review the questionnaires with the jury administrator prior to doing so.
- May 8, 2017 Writ deadline. Deadline to file requests for the issuance of any writs of habeas corpus ad testificandum. Requests should be filed under seal.
- May 8, 2017 Deadline to file motions in limine and pre-trial motions regarding punishment.
- May 30, 2017 Responses to guilt/innocence pre-trial motions. Deadline to file electronically responses to all guilt/innocence pre-trial motions. Responses and briefing in support thereof should be filed as one document.
- May 30, 2017 Deadline for responses to motions in limine and pre-trial motions regarding punishment.
- May 30, 2017
10:00 a.m. Status conference.
- June 5, 2017 Defendant's deadline for notice pursuant to *Atkins v. Virginia*, 536 U.S. 304 (2002), if necessary.
- June 27, 2017
10:00 a.m. Atkins hearing. *Atkins* hearing to be held, if necessary.
- July 6, 2017 Juror qualification questionnaire review. Counsel will jointly convene in the jury impaneling room to review the qualification questionnaires and consider additional disqualifications, hardships, excuses, and requests for deferment.
- July 10, 2017 Potential witness lists due. Deadline for the parties to submit to the court potential witness lists identifying the residence (city and state) of each potential witness for the purpose of listing such persons in the juror questionnaire.
- July 10, 2017 Jury instructions. Deadline to file proposed agreed jury instructions and proposed opposed instructions with appropriate citations to authority for each. Those instructions that remain in dispute should be identified in boldface type. Any party seeking to file proposed jury instructions after the deadline may do so only with leave of court.

- August 2, 2017 Amended witness list due. Deadline to submit to the court any additions, deletions, or corrections to proposed witness lists for the purpose of listing each potential witness in the juror questionnaire.
- August 2, 2017 Pre-trial disclosure. The Government shall disclose all *Giglio* and Jencks Acts materials in the Government's possession. Subsequent modifications or additions to such matters shall be provided to Defendants on a continuing basis, but no later than the day prior to the date the Government plans to call the witness to testify.
- August 4, 2017 Objections to proposed jury instructions. Deadline to file any written objections to proposed jury instructions. Objections must be written, specific, cite authority, and include any alternate instructions counsel deems appropriate.
- August 4, 2017 Exhibit lists due. Deadline to submit to the court exhibit lists and two copies of all exhibits expected to be introduced during trial. All exhibits to be used at trial should be pre-marked numerically and in succession. Groups of exhibits pertaining to the same subject matter may, at counsel's discretion, be numbered and lettered (i.e., 2a, 2b, 2c).
- August 4, 2017 The Government shall provide to Defendants a copy of the Indictment and a list of veniremen and witnesses. Pursuant to 18 U.S.C. § 3432, the Government shall provide Defendants with a list of veniremen and the witnesses to be produced at trial, identifying the place of residence (city and state) of each venireman and witness.
- August 4, 2017
10:00 a.m. Pre-trial conference. The court shall convene a pre-trial conference with counsel to resolve outstanding jury selection issues, pending motions (if any), motions in limine, and trial scheduling matters.
- September 5, 2017
9:00 a.m. General voir dire commences.
- September 11, 2017
9:00 a.m. Individual voir dire commences.
- October 10, 2017
9:00 a.m. Trial.

SIGNED at Beaumont, Texas, this 22nd day of March, 2016.



4 MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE